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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,822	04/17/2001	Hideo Ando	P 280186 T4YK-01S0040	5555
909	7590	02/24/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			SHERR, CRISTINA O	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	

3621

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/835,822

**Applicant(s)**

ANDO ET AL.

**Examiner**

Cristina Owen Sherr

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) 1-16, 18 and 23-26 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 17 and 19-22 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to the applicant's amendment filed November 16, 2005. Claims 1-16, 18 and 23-26 have been canceled. Claims 17, 21, and 22 have been amended. Claims 17 and 19-22 are pending in this case.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 17 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al (US 5,659,350) in view of Cooper et al (US 6,901,209).

5. Regarding claims 17, 21, and 22 –

Hendricks discloses an information reproducing apparatus used in a transmitting/receiving system comprising a transmitting side and a receiving side, said transmitting side including: means for transmitting content information along with corresponding transmission time information, said content information being allowed to be stored for a predetermined amount of time (e.g. col 7 ln 40-60);

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and means for executing charging of pay information with based on the a value of the time difference (e.g. col 30 ln 55-65).

6. Cooper discloses means for transmitting transmission time information continuously after transmission of the content information to-be has been completed, said receiving side including:

means for reproducing received content information and the transmission time information (e.g. col 5 ln 33-47);

means for temporarily storing the received content information as stored content information and the received transmission time information as stored transmission time information when the reproduction is interrupted (e.g. col 5 ln 47-62);

means for obtaining a time difference between the stored transmission time information and the received transmission time information when the reproduction interruption released has been terminated(e.g. col 5 ln 47-62); and

means for allowing a reproduction of the stored content information if the time difference is less than or equal to a predetermined value(e.g. col 1 ln 55 – col 2 ln 8).

7. Hendricks does not specifically disclose means for presenting an audible and/or visual warning in if the time difference is eve greater than the predetermined value, however, it is well known that somehow the user must be notified that time is finished. Examples of such notification include the sign at the end of a movie stating “the end”. It would be obvious to one of ordinary skill in the art to somehow notify the user that his/her time is up.

8. It would be obvious to one of ordinary skill in the art to combine the teachings of Cooper and Hendricks in order to obtain a more convenient and user friendly method for watching television broadcasts.

9. Regarding claims 19-20 –

Hendricks discloses an apparatus according to claim 17, wherein the received content information and the received transmission time information are stored in the storing means in an encrypted state; wherein the received content information is information including encrypted television signals (e.g. col 3 ln 5-40).

10. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Hendricks et al (US 6,539,548) discloses an operations center for a television program packaging and delivery system.

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13. Allen (US 5,909,638) discloses a high-speed video distribution and manufacturing system.
14. Edwards et al (US 5,311,325) disclose a method and apparatus for providing periodic subscription television services.
15. Wolf et al (US 5,931,901) disclose programmed music on demand from the Internet.
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.
17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

COS, 02/13/06

*William J. Lane*  
PRIMARY EXAMINER